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58776　　7590　　06/14/2007		EXAMINER
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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/727,491
Filing Date: December 04, 2000
Appellant(s): CHEN ET AL.

Robert W. Griffith
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 4/5/07 appealing from the Office action

mailed 11/3/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,473,778   **GIBBON**   **10-2002**

6,654,030   **HUI**   **11-2003**

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. <u>Claims 1-2, 6, 9-12, 14, 18 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbon ((US Pat No. 6,473,778 B1, 10/29/02, filed 2/1/99, priority 12/24/98).</u>

Regarding independent claim 1, Gibbon discloses:

- incorporating multimedia assets into a framework as a series of related frames (figure 6, #612, #614, col 11, line 17 to col 12, line 6)

- creating a multimedia description file in a template for formatting multimedia assets (col 5, lines 1-19; figure 9, col 13, lines 63-67)

- combining the multimedia assets and the multimedia description file in the template through an automated processing program to create a multimedia repository file executable on a multimedia player (figure 9, col 13, line 53 to col 14, line 7)

- creating hypermedia documents from conventional transcription of television programs wherein a hypermedia document is created by inserting multimedia

content into the template using an *automated* method and an *automated*

multimedia authoring tool for (col 2, lines 46-53, figure 9, and col 13, line 53 to

col 14, line 7)

Gibbon does not disclose explicitly a batch-processing program to create a multimedia

repository file executable on a multimedia player.

However, it would have been obvious to one of ordinary skill in the art at the time of the

invention was made to have modified Gibbon to include a batch-processing program to

create a multimedia file since Gibbon shows the combination of the multimedia assets

and the multimedia description file into one file executable on a multimedia player of the

computer. Therefore, incorporating a batch-processing program, which was well known

program for executing multiple files in one program, to the single multimedia repository

file in Gibbon to process many individual files into a single program would provide a

more effective performance of the sequence of multimedia frames.

Gibbon further discloses:

- storing the multimedia repository file as a single file on a shared storage device

  (figure 9, col 13, lines 53-67: the fact that the HTML file, which is a combination

  of the description file and the image, video and audio, is maintained on a web

  server implies that said HTML file is stored on a shared storage device)

- accessing the multimedia repository file by at least one authoring session

  manager for access to the multimedia assets, (col 3, lines 18-28, 45-57, col 2,

  lines 8-12, figure 9 and col 13, line 53 to col 14, line 7: *accessing a large*

multimedia database using standard text information retrieval system, selecting

the best multimedia data for creating the content of a multimedia file)

- the series of related frames comprising a thumbnail frame, a meta frame, and

  one or more media frames (col 12, lines 7-34: the slide show icon in the narrated

  slide show document is equivalent to a thumbnail frame, the video frames are

  media frames, and the frame-reference transcript is equivalent to the meta frame,

  all are related frames displayed sequentially for a hypermedia document)

- for each authoring session manager, storing a modified multimedia repository file

  on a storage device associated with the authoring session manager, wherein the

  modified multimedia repository file is configured for execution on a multimedia

  player (cols 7-10: editing data for the multimedia files which are maintained in the

  database of a web server; the multimedia files, thus are maintained in the shared

  storage device associated with an authoring session manager, which allows

  creating and editing multimedia data)

Gibbon does not disclose explicitly that the series of related frames comprising a header

frame and an end of sequence frame.

However, in Gibbon the narrated slide show includes a plurality of video frames

displayed sequentially (col 12, lines 7-34), where the first frame of the slide show is

clearly the heading frame, and the last frame of the frame sequence is clearly an end of

the frame sequence.

Gibbon does not disclose:

- creating a modified multimedia description file in a template

- creating a modified multimedia repository file upon combination of the multimedia assets and the modified multimedia description file

However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include into Gibbon the creation of the modified repository file, which is merely modifying the multimedia repository file caused by modifying the description file, which is a component of the multimedia repository file for the following reason. It was well known to modify images or audio data. Accordingly, the description file for the image and audio data will be modified to be suitable to the change. Therefore, it is understandable that the multimedia repository file, which is combined by a *modified* multimedia description file and the multimedia data, is modified. And, since the combined multimedia repository file is modified, storing such a modified file was known as a must step to keep data for later use.

Regarding claims 2 and 9, which are dependent on claim 1, Gibbon discloses injecting other content into the multimedia description file (col 5, lines 1-19: placing anchors elsewhere in the text, modify the list to improve the document layout; col 2, lines 8-12: generating a hypermedia document in response to the user request using a selected template implies that the multimedia content must be injected into the template, which is equivalent to the multimedia content description file, for said generating).

Regarding claim 6, which is dependent on claim 1, Gibbon discloses managing the creation of the template and the multimedia content description file in stages by different users (figure 9 and col 13, line 53 to col 14, line 7, col 2, lines 8-12).

Regarding claim 10, which is dependent on claim 1, Gibbon discloses that the

multimedia repository file is a multimedia container in a binary format (col 11, lines 63-

67: since the video frames extracted in digital format via the analog-to-digital converter,

the multimedia file including video frames should also be in digital format, that means in

the 1s and 0s of binary numbers).

Claims 11-12 are for a system of method claims 1 and 6 and are rejected under the

same rationale.

Claims 14, 18 are for a program medium of method claims 1-2, 6, and are rejected

under the same rationale.

2. <u>Claims 3-5, 15-17 remain rejected under 35 U.S.C. 103(a) as being unpatentable</u>

<u>over Gibbon as applied to claims 1 and 14 above, and further in view of Hui (US Pat</u>

<u>No. 6,654,030 B1, 11/25/03, filed 3/31/99).</u>

Regarding claim 3, which is dependent on claim 1, Gibbon does not disclose creating

an XML based MVR file.

Hui discloses a XML-based video file (figure 1 and col 2, line 59 to col 3, line 30).

It would have been obvious to one of ordinary skill in the art at the time of the invention

was made to have combined Hui into Gibbon since the XML-based video file in Hui

suggests creating a multimedia file in XML-based format, providing the advantage to

apply the XML-based format instead of the HTML-based format to the multimedia file in Gibbon (figure 9) for enhancing the display of multimedia files on the web such as synchronizing the video files, a feature that HTML does not provide to multimedia.

Regarding claim 4, which is dependent on claim 1, Gibbon does not disclose using a textual editor to create an MVR-XML file.

Hui discloses a XML-based video file (figure 1 and col 2, line 59 to col 3, line 30).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Hui into Gibbon since the XML-based multimedia file would provide the advantage to apply to the HTML-based multimedia file, which is also in markup language-based for conveying more features for a media file such as video synchronizing, and it was well known in the art that the multimedia file in XML or HTML format, which is a text file, is created using any text editor.

Regarding claim 5, which is dependent on claim 1, Gibbon does not disclose using an MVR-XML file as a data interchange among other Rich Media Content creation applications.

Hui discloses using an MVR-XML file as a data interchange among other Rich Media Content creation applications (col 4, lines 49-65 and figure 4: disk 3 has media files for different applications).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Hui into Gibbon since Hui discloses using an MVR-XML

file as a data interchange among other Rich Media Content creation applications

providing the advantage to replace the MVR-HTML file in Gibbon for advanced features

for video files such as video synchronizing.

Claims 15-17 are a medium of method claims 3-5, and are rejected under the same

rationale.

(10) Response to Argument

Appellants argue that the hypermedia document, which is the slide show, in

Gibbon does not have a header frame and an end frame since "a statement that a slide

show 'should' have a title and an ending, as provided by the Examiner, does not render

obvious the incorporation of a header frame and an end of sequence frame into a

framework with one or more media frames, a thumbnail frame and a meta frame" (Brief,

page 9).

Examiner respectfully disagrees.

Gibbon discloses a thumbnail frame, which is the slide show icon in the narrated

slide show document, the media frames, which is video frames, and the meta frame,

which the frame-reference transcript, all are related to a hypermedia document (col 12,

lines 7-34). Regarding the header frame and the end of sequence frame, it is noted that

the slide show is a narrated slide show including a plurality of video frames displayed

sequentially. Therefore, the first frame beginning the slide show is clearly a header frame and the last frame of the slide show is the end frame.

Appellants argue that Gibbon fails to suggest or disclose the combining of multimedia assets and a multimedia description file through a batch-processing program to create of a multimedia repository file that is executable on a multimedia player, as recited in the independent claims of the present invention (Brief, page 10).

Examiner respectfully disagrees.

Gibbon shows that the multimedia assets and the multimedia description file are combined in the template through an automated processing program to create *a single multimedia repository file* executable on a multimedia player (figure 9, col 13, line 53 to col 14, line 7, see the rejection of claim 1 of the final action). Therefore, it would have been obvious to an ordinary skill in the art at the time of the invention was made to have incorporated the batch mode program, which was well known program, to the single multimedia repository file in Gibbon to process many individual files into a single program for a more effective performance of the sequence of multimedia frames.

Applicants argue that Gibbon fails to discloses the accessing of the single multimedia repository file for creation of a modified multimedia description file in a template, and the accessing of the single multimedia repository file for the creation of a

modified multimedia repository file upon combination of the multimedia assets and the

modified multimedia description file (Brief, page 10).

Examiner respectfully disagrees.

Examiner did not admit but instead disagreed these issues and the argument

(see Response to Arguments of the final action).

Gibbon discloses (see claim 1 rejection):

- creating hypermedia documents from conventional transcription of television

  programs wherein a hypermedia document is created by inserting multimedia

  content into the template using an *automated* method and an *automated*

  multimedia authoring tool for (col 2, lines 46-53, figure 9, and col 13, line 53 to

  col 14, line 7)

- accessing the multimedia repository file by at least one authoring session

  manager for access to the multimedia assets, (col 3, lines 18-28, 45-57, col 2,

  lines 8-12, figure 9 and col 13, line 53 to col 14, line 7: *accessing a large*

  multimedia database using *standard text* information retrieval system, selecting

  the best multimedia data for creating the content of a multimedia file)

- storing a modified multimedia repository file on a storage device associated with

  the authoring session manager, wherein the modified multimedia repository file is

  configured for execution on a multimedia player (cols 7-10: editing data for the

  multimedia files which are maintained in the database of a web server; *the*

  multimedia files and the edited multimedia files, thus are maintained in the

shared storage device associated with an authoring session manager, which

allows creating and editing multimedia data)

As mentioned above, Gibbon discloses combining multimedia assets and the

multimedia description file to create *a single multimedia repository file* executable on a

multimedia player (figure 9, col 13, line 53 to col 14, line 7, see the rejection of claim 1

of the final action). Therefore, it would have been obvious to one of ordinary skill in the

art at the time of the invention was made to have modified Gibbon to incorporate

creating a modified repository file since it was well known to modify video and audio

data, which is the data of multimedia assets in the multimedia repository file. When the

multimedia assets, which is a component of the multimedia repository file, are modified,

the multimedia description file must be changed accordingly, which causes the

multimedia repository file to be changed or modified. And since the combined

multimedia repository file is modified, storing such a modified file was well known a

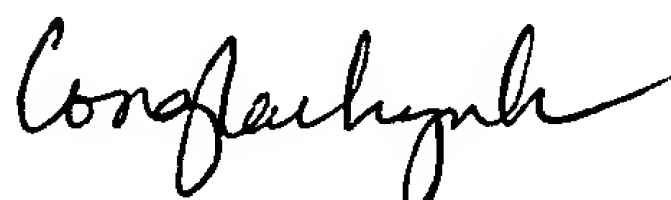must step to keep data for later use.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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